

State of California



Fair Political Practices Commission

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SUPERSEDED

by: 18215(c)(15)

May 10, 1982

Donna Dascenzo
Senate Rules Committee
State Capitol, 4th Floor
Building West
Sacramento, CA 95814

Re: Advice Letter
No. A-82-082

Dear Ms. Dascenzo:

Jeanne Pritchard has asked me to respond to your telephone inquiry on behalf of candidates who, in their campaign literature, urge voters to vote for or against particular ballot measures. You have asked whether such candidates are required to report any part of the payment for their campaign literature as an independent or in-kind expenditure for or against the ballot measures.

Ordinarily, so long as a candidate is acting independently of any ballot measure committee, expenditures in connection with campaign literature which advocates a particular position on a ballot measure are not in-kind contributions or independent expenditures for or against the ballot measure. It is an integral part of a candidate's campaign to take a position, or to urge others to take a position, on significant public issues, including ballot measures.

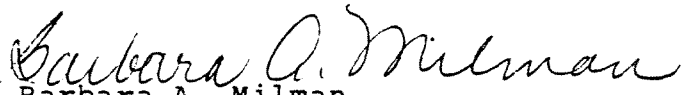
There may, however, be some circumstances in which a candidate's campaign literature advocating a position on a ballot measure would constitute an independent expenditure or an in-kind contribution related to the measure. For example, if the campaign literature were prepared or distributed at the behest of, in coordination with, or under the direction and control of a ballot measure committee, there would probably be reportable in-kind contributions to the ballot measure committee. In addition, costs incurred in connection with campaign literature expressly advocating support or defeat of a ballot measure, which was developed, produced and distributed totally independently of a ballot measure committee, might, in unusual circumstances, constitute an independent expenditure on behalf of the ballot measure. This could occur if the

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issues or constituencies involved in the ballot measure are distinctly different from those involved in the candidate's election campaign.

I hope this answers your questions. If you wish to discuss this further, or want more specific advice on specific literature, please feel free to call me at (916) 322-5901.

Very truly yours,


Barbara A. Milman
Chief
Legal Division

BAM:plh

Memorandum

To : Barbara

Date : 4/22/82

From : **FAIR POLITICAL PRACTICES COMMISSION**
Jeanne

Subject:

Question from Donna Diczno, Senate Rules Committee:
(phone: 5-0924)

If a candidate is sending out a piece of campaign literature for his campaign, and asks the readers to vote a particular way on a ballot measure, or a number of ballot measures, and he does this independent of any control or direction by any committee, has the candidate made an independent expenditure?

This is a "general" question she has gotten from a number of people.

send letter